

AT THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF MISSISSIPPI

Marshall Fisher (Mississippi Commissioner
of Public Safety), Herb Frierson (Mississippi
Commissioner of Revenue), Jim Hood (State
of Mississippi Attorney General), Marvin
Vaughn

Plaintiffs (Counter-Defendants)

vs.

Tracy Arnold,
Respondent (Counter-Plaintiff)

Cause # 4:18-cv-00191-DMB-RP

Jury NOT requested:

*"Deuteronomy 25:1: If there be a con-
troversy between men, and they come
unto judgment, that the judges may
judge them; then they shall justify the
righteous, and condemn the wicked."*

COUNTER-PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT

Counter-Plaintiff, Tracy Arnold, requests the Clerk of this Honorable Court to enter a
default against the Counter-Defendants, Marshall Fisher, Herb Frierson, Jim Hood and
Marvin Vaughn, as authorized by Fed. R. Civ. P. 55.

1. PARTIES

1.1 . Counter-Plaintiff is Tracy Arnold.

1.2 . Counter-Defendants are Marshall Fisher (Mississippi Commissioner of Public
Safety), Herb Frierson (Mississippi Commissioner of Revenue), Jim Hood (State of
Mississippi Attorney General) and Marvin Vaughn.

2. INTRODUCTION

2.1 . On August 18th, 2018, Counter-Defendants initiated suit against Counter-Plaintiff.

2.2 . On September 14th, 2018, Counter-Plaintiff mailed Notice of Filing of Removal
and Notice of Removal to Counter-Defendants by way of USPS first class mail. See
28 USC §1446(d).

2.3 . On September 17th, 2018, Counter-Plaintiff's Notice of Removal was filed with the

1 Federal District Court for Northern Mississippi, as authorized by 28 USC §1446(b),
2 (c).

3 2.4 . On September 19th, 2018, Counter-Plaintiff effected removal by having the clerk of
4 the state court accept Notice of Filing of Removal and of Notice of Removal, as au-
5 thorized by 28 USC §1446(d).

6 2.5 . On September 25th, 2018, Counter-Plaintiff filed her Original Answer and Coun-
7 terclaim with the Court. See Fed. R. Civ. P. 81(c)(2) and 6(d). Original Answer and
8 Counterclaim attached as Exhibit A.

9 2.6 . On September 25th, 2018, Counter-Plaintiff mailed her Answer and Counter to the
10 Counter-Defendants by way of USPS certified first class mail. Proof of service to
11 each Counter-Defendant is attached as Exhibit B.

12 2.7 . Counter-Defendants did not file a Motion to Remand by the deadline of October
13 22 2018. See 28 USC §1447(c) and Fed. R. Civ. P. 6(d).

14 2.8 . Counter-Defendants did not file a responsive pleading or otherwise defend the
15 counterclaim within the time allowed by the Federal Rules of Civil Procedure.

16 2.9 . Counter-Plaintiff is entitled to entry of default.

3. ARGUMENT

17 3.1 . The clerk may enter a default against a party who has not filed a responsive plead-
18 ing. See Fed. R. Civ. P. 55(a).

19 3.2 . The clerk should enter a default against the Counter-Defendants because Counter-
20 Defendants did not file a responsive pleading within 24 days after September 25th,
21 2018, the date of service. See Fed. R. Civ. P. 12(a)(1)(B), 6(d) and 55(a).

22 3.3 . The clerk should enter a default against the Counter-Defendants because Counter-
23 Defendants did not otherwise defend the counterclaim by October 19th, 2018, nor
24 since. See Fed. R. Civ. P. 55(a) and 6(d).

25 3.4 . Counter-Plaintiff meets the procedural requirements for obtaining an entry of de-

1 fault from the clerk as demonstrated by Tracy Arnold's declaration, attached as Ex-
2 hibit C.

3 3.5 . Counter-Defendants are not minors nor incompetent. See Fed. R. Civ. P. 55(b)(1).


4 3.6 . Counter-Defendants are not in military service. A declaration of Counter-Defen-
5 dant's military status is attached as Exhibit D.

6 3.7 . Because Counter-Defendants did not file a responsive pleading or otherwise defend
7 the counterclaim, they are not entitled to notice of entry of default. See Fed. R. Civ.
8 P. 55(a).

4. CONCLUSION

9 Counter-Plaintiff, Tracy Arnold, requests entry of default because the Counter-Defen-
10 dants have not filed a motion to remand nor any responsive pleadings nor any defense to
11 the counterclaim against them within 24 days of receiving the Answer and Counter post-
12 marked September 25, 2018 via USPS First Class and received by the court on October
13 3rd, 2018.

14 Wherefore, Counter-Plaintiff requests the Clerk to enter a default in favor of the
15 Counter-Plaintiff.


Tracy Arnold
1400 Harris Rd Adamsville Tennessee 38310
Tel: (423)529-4323
Email: tracy@arnoldnet.org

RECEIVED

DEC 06 2018

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

VERIFICATION OF SERVICE

I, Tracy Arnold, Verify now and will affirm in open court, that all herein be true. I have this day, December 3rd, 2018, delivered via USPS a true and correct copy of the following material:

- Counter-Plaintiffs Request for Entry of Default
- Copy of Tracy Arnold's Original Answer and Counter Claim
- Copy of Proof of Service to each Counter-Defendant
- Copy of Tracy Arnold's Declaration in support of her request for entry of default
- Copy of Tracy Arnold's Military Declaration

Marshall Fisher
Commissioner of Public Safety
PO Box 958
Jackson Mississippi 39205
C# 7015-0640-0001-3849-2381

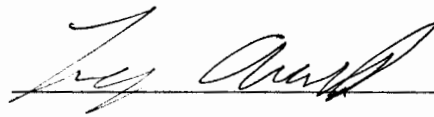
State of Mississippi
Mississippi Attorney General
MS Attorney Generals Office
Walter Sillers Building
PO Box 220
Jackson Mississippi 39205
C# 7015-0640-0001-3849-2374

Herb Frierson
Mississippi Commissioner of Revenue
PO Box 22828
Jackson Mississippi 39225
C# 7015-0640-0001-3849-2367

Marvin Vaughn
State Trooper
Troop E
22000- A Highway 35 N
Batesville Mississippi 38606
C# 7015-0640-0001-3849-2350

John Sherman
PO Box 1900
Clarksdale, Mississippi 38614-7900
C# 7015-0640-0001-3849-2343

United States District Court
Northern District of Mississippi
Federal Building
911 Jackson Avenue East
Room:369
Oxford, MS 38655
C# 7015-0640-0001-3849-2336

 12/3/18

Tracy Arnold
1400 Harris Rd
~~Tennessee~~
Adamsville Mississippi 38310
Telephone:(423)529-4335
Email:Tracy@arnoldnet.org

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Tracy Arnold
1400 Harris Rd
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Adamsville, Tennessee
{ 38310 }



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Oxford, Mississippi
38655

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